

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN MAXWELL MONTIN,	)	
	)	
Plaintiff,	)	4:09CV3153
	)	
v.	)	
	)	
BILL GIBSON, CEO, DR. Y.	)	MEMORANDUM AND ORDER
SCOTT MOORE; DR. RAJEEN	)	
CHATURVEDI; and MARC	)	
OSTRANDER,	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

This matter is before the Court on defendants' Motion for Leave to File Supplemental Brief (Filing No. [80](#)). Defendants argue that, due to an oversight by counsel, a critical reference to an earlier case in this Court was omitted from the initial brief. (*Id.*) The earlier case is *Montin v. Gibson, et al.*, Case No. 4:09CV3072, which dealt with claims similar to those alleged in this matter. The Court will grant defendants' motion.

Also pending is plaintiff's Motion for Extension of Time to file a response to defendants' Motion for Summary Judgment (Filing No. [83](#)). Defendants filed their Motion for Summary Judgment on October 28, 2011 (Filing No. [77](#)). Thus, plaintiff had 21 days, or until November 18, 2011, to file an opposing brief. See [NECivR 56.1\(b\)\(2\)](#). Plaintiff failed to do so. (See Docket Sheet.) Plaintiff alleges his restrictions at "LRC" have delayed his communications and asks the Court for leave to file an opposing brief by "the end of December."

(Filing No. [83](#).) In light of plaintiff's pro se status and defendants' filing of a supplemental brief, plaintiff's motion for extension of time will be granted. Accordingly,

IT IS ORDERED:

1) Defendants' Motion for Leave to File Supplemental Brief (Filing No. [80](#)) is granted.

2) Plaintiff's Motion for Extension of Time (Filing No. [83](#)) is granted. Plaintiff shall file an opposing brief no later than December 21, 2011.

DATED this 29th day of November, 2011.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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